

AMENDED IN ASSEMBLY JUNE 15, 2012

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE MAY 1, 2012

AMENDED IN SENATE APRIL 18, 2012

**SENATE BILL**

**No. 1166**

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**Introduced by Senator Berryhill**

February 22, 2012

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An act to amend Sections 331, 332, 3953, 4334, and 4902 of, and to add Sections ~~715 and 715.1~~ 708 and 709 to, the Fish and Game Code, relating to wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1166, as amended, Berryhill. Department of Fish and Game: Big Game Management Account funds.

Existing law requires all money collected under the Fish and Game Code, including money received as a result of the sale of licenses issued under the code, to be deposited into the Fish and Game Preservation Fund, unless otherwise provided. Existing law authorizes the Department of Fish and Game to issue tags, stamps, and licenses for the hunting of antelope, elk, upland game birds, deer, wild pigs, bears, and bighorn sheep upon payment of a fee, to be deposited into the fund. Existing law establishes the Big Game Management Account within the fund to permit separate accountability for the receipt and, subject to appropriation, the prescribed expenditure of revenues from antelope, elk, deer, wild pig, bear, and bighorn sheep tags, including fundraising tags.

This bill would require the department to ~~permit~~ *authorize* a nonprofit organization ~~that is~~ designated by the department ~~and~~, that is associated

with the sale of deer, *elk*, *antelope*, or bighorn sheep tags that are sold on behalf of the department for the purpose of raising funds for specified programs and projects, to retain the lesser of that organization's administrative costs of selling the tag or 10% of the amount for which the tag is sold. *The bill would make conforming changes to related provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 331 of the Fish and Game Code is  
2     amended to read:

3     331. (a) The commission may determine and fix the area or  
4     areas, the seasons and hours, the bag and possession limit, and the  
5     sex and total number of antelope (*Antilocapra americana*) that may  
6     be taken under regulations that the commission may adopt from  
7     time to time. Only a person possessing a valid hunting license,  
8     who has not received an antelope tag under these provisions during  
9     a period of time specified by the commission, may obtain a tag for  
10    the taking of antelope.

11    (b) The department may issue a tag upon payment of a fee. The  
12    fee for a tag shall be fifty-five dollars (\$55) for a resident of the  
13    state, as adjusted under Section 713. On or before July 1, 2007,  
14    the commission~~shall~~, by regulation, *shall* fix the fee for a  
15    nonresident of the state at not less than a fee of three hundred fifty  
16    dollars (\$350), as adjusted under Section 713. The fee shall be  
17    deposited in the Big Game Management Account established in  
18    Section 3953 and, upon appropriation by the Legislature, shall be  
19    expended, in addition to moneys budgeted for salaries of persons  
20    in the department as set forth in Section 3953.

21    (c) The commission shall direct the department to annually  
22    authorize not less than one antelope tag or more than 1 percent of  
23    the total number of tags available for the purpose of raising funds  
24    for programs and projects to benefit antelope. These tags may be  
25    sold at auction to residents or nonresidents of the state or by another  
26    method and are not subject to the fee limitation prescribed in  
27    subdivision (b). ~~All~~ *Except as provided in Section 709, all* revenues  
28    from sales pursuant to this subdivision shall be deposited in the  
29    Big Game Management Account established in Section 3953 and,

upon appropriation by the Legislature, shall be expended as set forth in that section.

(d) The commission shall direct the department to annually authorize one antelope tag of the total number of tags available for issuance to nonresidents of the state.

*SEC. 2. Section 332 of the Fish and Game Code is amended to read:*

332. (a) The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the number of elk that may be taken under rules and regulations that the commission may adopt from time to time. The commission may authorize the taking of tule elk if the average of the department's statewide tule elk population estimates exceeds 2,000 animals, or the Legislature determines, pursuant to the reports required by Section 3951, that suitable areas cannot be found in the state to accommodate that population in a healthy condition.

(b) Only a person possessing a valid hunting license may obtain a tag for the taking of elk.

(c) The department may issue an elk tag upon payment of a fee. The fee for a tag shall be one hundred sixty-five dollars (\$165) for a resident of the state, as adjusted under Section 713. On or before July 1, 2007, the commission ~~shall~~, by regulation, *shall* fix the fee for a nonresident of the state at not less than one thousand fifty dollars (\$1,050), as adjusted under Section 713. The fees shall be deposited in the Big Game Management Account established in Section 3953 and, upon appropriation by the Legislature, shall be expended, in addition to moneys budgeted for salaries of the department, as set forth in Section 3953.

(d) The commission shall annually direct the department to authorize not more than three elk hunting tags for the purpose of raising funds for programs and projects to benefit elk. These tags may be sold at auction to residents or nonresidents of the state or by another method and are not subject to the fee limitation prescribed in subdivision (c). ~~All~~ *Except as provided in Section 709*, revenues from sales pursuant to this subdivision shall be deposited in the Big Game Management Account established in Section 3953 and, upon appropriation by the Legislature, shall be expended as set forth in that section.

(e) The commission shall direct the department to annually authorize one elk tag of the total number of tags available for issuance to nonresidents of the state.

~~SECTION 1.~~

*SEC. 3.* Section ~~715~~ 708 is added to the Fish and Game Code, to read:

~~715.~~

708. The Legislature hereby finds and declares all of the following:

(a) The National Survey of Fishing, Hunting, and Wildlife-Associated Recreation has been conducted since 1955 and is one of the oldest and most comprehensive continuing recreation surveys.

(b) The 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation found all of the following:

(1) Eighty-seven million five hundred thousand United States residents 16 years of age and older participated in wildlife-dependent recreation.

(2) Individuals participating in wildlife-dependent recreation spent one hundred twenty-two billion three hundred million dollars (\$122,300,000,000) in 2006 on their activities, which equated to 1 percent of the gross domestic product.

(3) Hunters and anglers spent seventy-six billion six hundred million dollars (\$76,600,000,000), while wildlife viewers spent forty-five billion seven hundred million dollars (\$45,700,000,000).

(4) Seven million four hundred thousand California residents and nonresidents 16 years of age and older fished, hunted, or viewed wildlife in this state.

(5) State residents and nonresidents spent \$8 billion on wildlife-dependent recreation in this state.

(c) ~~The Department of Fish and Game~~ *department* reported that, in 2006, hunters and anglers spent seventy-eight million dollars (\$78,000,000) on licenses, stamps, tags, and access fees.

(d) Revenue generated by wildlife-dependent recreational activities plays an exceedingly important role in California's economy.

(e) Revenue generated by hunters is critical to the department's ability to protect, enhance, and manage wildlife habitat.

1     ~~SEC. 2.~~

2     ~~SEC. 4.~~ Section ~~715.1~~ 709 is added to the Fish and Game Code,  
3 to read:

4     ~~715.1.~~

5     709. (a) The department shall ~~permit~~ *authorize* a nonprofit  
6 organization ~~that is~~ designated by the department ~~and~~, that is  
7 associated with the sale of deer, *elk*, *antelope*, or bighorn sheep  
8 *fundraising* tags that are sold on behalf of the department for the  
9 purpose of raising funds for specified programs and projects  
10 pursuant to subdivision (a) of Section 4334 and (c) of Section 331,  
11 subdivision (d) of Section 332, subdivision (a) of Section 4334, or  
12 subdivision (d) of Section 4902, to retain the lesser of that  
13 organization's administrative costs of selling the tag or 10 percent  
14 of the amount for which the tag is sold.

15     (b) The total amount retained from a sale pursuant to subdivision  
16 (a) shall not exceed the lesser of the administrative costs of that  
17 sale or 10 percent of the amount of the sale.

18     ~~SEC. 3.~~

19     ~~SEC. 5.~~ Section 3953 of the Fish and Game Code is amended  
20 to read:

21     3953. (a) The Big Game Management Account is hereby  
22 established within the Fish and Game Preservation Fund.

23     (b) ~~Notwithstanding Except as provided in~~ Section ~~715.1~~ 709,  
24 all revenues from the sale of antelope, elk, deer, wild pig, bear,  
25 and sheep tags, including any fundraising tags, shall be deposited  
26 in the Big Game Management Account ~~with the receipt and~~  
27 ~~expenditure of these funds accounted for separately to allow~~  
28 *separate accountability for the receipt and expenditure of these*  
29 *funds.*

30     (c) Funds deposited in the Big Game Management Account  
31 shall be available for expenditure upon appropriation by the  
32 Legislature to the department solely for the purposes described in  
33 this section. As the primary purpose of the Big Game Management  
34 Account, the department shall expend these funds for the purposes  
35 set forth in Sections 3951 and 3952, and Chapter 5 (commencing  
36 with Section 450) of Division 1, Chapter 7 (commencing with  
37 Section 4650), and Chapter 11 (commencing with Section 4900),  
38 including acquiring land, completing projects, and implementing  
39 programs to benefit antelope, elk, deer, wild pigs, bear, and sheep,  
40 and expanding public hunting opportunities and related public

1 outreach. Any land acquired with funds from the Big Game  
2 Management Account shall be acquired in fee title or protected  
3 with a conservation easement and, to the extent possible, be open  
4 or provide access to the public for antelope, elk, deer, wild pig,  
5 bear, or sheep hunting. The department may also use funds from  
6 the Big Game Management Account to pay for administrative and  
7 enforcement costs of the programs and activities described in this  
8 section. The amount allocated from the account for administrative  
9 costs shall be limited to the reasonable costs associated with  
10 administration of the programs and activities described in this  
11 section.

12 (d) The department may make grants to, reimburse, or enter  
13 into contracts or other agreements as defined in subdivision (a) of  
14 Section 1571 with, nonprofit organizations for the use of the funds  
15 from the Big Game Management Account to carry out the purposes  
16 of this section, including related habitat conservation projects.

17 (e) An advisory committee, as determined by the department,  
18 that includes *representatives of* interested nonprofit organizations  
19 that have goals and objectives directly related to the management  
20 and conservation of big game species and primarily represent the  
21 interests of persons licensed pursuant to Section 3031 shall review  
22 and provide comments to the department on all proposed projects,  
23 and administrative and enforcement expenditures funded from the  
24 Big Game Management Account to help ensure that the  
25 requirements of this section have been met. The department shall  
26 post budget information and a brief description on an Internet Web  
27 site for all expenditures from the Big Game Management Account.

28 (f) Big game projects authorized pursuant to this section are not  
29 subject to Part 2 (commencing with Section 10100) of Division 2  
30 of the Public Contract Code or Article 6 (commencing with Section  
31 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

32 (g) The department shall maintain the internal accountability  
33 necessary to ensure compliance with the collection, deposit, and  
34 expenditure of funds specified in this section.

35 ~~SEC. 4.~~

36 *SEC. 6.* Section 4334 of the Fish and Game Code is amended  
37 to read:

38 4334. (a) The commission shall annually direct the department  
39 to authorize, pursuant to Section 1054.8, the sale of not more than  
40 10 deer tags for the purpose of raising funds for programs and

1 projects as set forth in Section 3953. Except as provided in Section  
2 ~~715.1- 709~~, all revenue from the sale of tags pursuant to this section  
3 shall be deposited in the Big Game Management Account  
4 established in Section 3953 and, upon appropriation by the  
5 Legislature, shall be expended as set forth in that section.

6 (b) These tags may be sold to residents or nonresidents of the  
7 State of California at auction or by any other method and are not  
8 subject to the fees prescribed by Section 4332.

9 (c) These funds shall augment, not supplant, any other funds  
10 appropriated to the department for the preservation, restoration,  
11 utilization, and management of deer. ~~All The seller shall remit all~~  
12 ~~revenues derived from the sale of these tags shall be remitted to~~  
13 ~~the department by the seller.~~

14 ~~SEC. 5.~~

15 SEC. 7. Section 4902 of the Fish and Game Code is amended  
16 to read:

17 4902. (a) The commission may adopt all regulations necessary  
18 to provide for biologically sound management of Nelson bighorn  
19 sheep (subspecies *Ovis canadensis nelsoni*).

20 (b) (1) After the plans developed by the department pursuant  
21 to Section 4901 for the management units have been submitted,  
22 the commission may authorize sport hunting of mature Nelson  
23 bighorn rams. Before authorizing the sport hunting, the commission  
24 shall take into account the Nelson bighorn sheep population  
25 statewide, including the population in the management units  
26 designated for hunting.

27 (2) Notwithstanding Section 219, the commission shall not;  
28 however, adopt regulations authorizing the sport hunting in a single  
29 year of more than 15 percent of the mature Nelson bighorn rams  
30 in a single management unit, based on the department's annual  
31 estimate of the population in each management unit.

32 (c) The fee for a tag to take a Nelson bighorn ram may be  
33 determined by the commission, but shall not exceed five hundred  
34 dollars (\$500). Fee revenues shall be deposited in the Big Game  
35 Management Account established in Section 3953 and, upon  
36 appropriation by the Legislature, shall be expended as set forth in  
37 that section.

38 (d) The commission shall annually direct the department to  
39 authorize not more than three of the tags available for issuance  
40 that year to take Nelson bighorn rams for the purpose of raising

1 funds for programs and projects to benefit Nelson bighorn sheep.  
2 These tags may be sold to residents or nonresidents of the State  
3 of California at auction or by another method and ~~shall not be~~ *are*  
4 *not* subject to the fee limitation prescribed in subdivision (c).  
5 Commencing with tags sold for the 1993 hunting season, if more  
6 than one tag is authorized, the department shall designate a  
7 nonprofit organization organized pursuant to the laws of this state,  
8 or the California chapter of a nonprofit organization organized  
9 pursuant to the laws of another state, as the seller of not less than  
10 one of these tags. The number of tags authorized for the purpose  
11 of raising funds pursuant to this subdivision, if more than one,  
12 shall not exceed 15 percent of the total number of tags authorized  
13 pursuant to subdivision (b). Except as provided in Section ~~715.1~~  
14 ~~709~~, all revenue from the sale of tags pursuant to this subdivision  
15 shall be deposited in the Big Game Management Account  
16 established in Section 3953 and, upon appropriation by the  
17 Legislature, shall be expended as set forth in that section.

18 (e) ~~No~~ A tag issued pursuant to this section shall *not* be valid  
19 unless and until the licensee has successfully completed a prehunt  
20 hunter familiarization and orientation and has demonstrated to the  
21 department that he or she is familiar with the requisite equipment  
22 for participating in the hunting of Nelson bighorn rams, as  
23 determined by the commission. The *department shall conduct*  
24 ~~orientation shall be conducted by the department~~ at convenient  
25 locations and times preceding each season, as determined by the  
26 commission.